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Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 INR-10 NSAE-00 FAA-00 L-03 PM-05
H-01 NSC-05 PA-01 SP-02 SS-15 ICA-11 /078 W
----------014455 181849Z /43
R 171335Z MAY 78
FM USINT HAVANA
TO SECSTATE WASHDC 1899

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E.O. 11652: NA
TAGS: MILI, EAIR, CU, US
SUBJECT: PROTEST TO CUBA OVER AIRCRAFT INCIDENT

REF: STATE 065542

1. CHIEF USINT WAS CALLED IN BY MINREX DIRECTOR FOR NORTH AMERICAN AFFAIRS, LUIS GARCIA, ON MAY 15, TO RECEIVE NOTE NO 848, DATED MAY 12, RESPONDING TO USINT'S NOTE ON ABOVE SUBJECT (TEXT BASED ON REFTEL AS REVISED). GARCIA WAS ACCOMPANIED BY LT. COL. VELASQUEZ AND MAJOR GONZALEZ FROM THE ANTI-AIRCRAFT DEFENSE COMMAND (DAAFAR) OF THE CUBAN MINISTRY OF REVOLUTIONARY ARMED FORCES (MINFAR).

2. CUBAN NOTE, OPERATIVE PORTIONS OF WHICH ARE QUOTED IN SEPTEL, MAKES NO DIRECT REFERENCE TO US CHARGES OF DANGEROUS MANEUVERING BY CUBANS THREATENING SAFETY OF US AIRCRAFT. ORALLY, HOWEVER, USINT CHIEF WAS TOLD THAT THOROUGH INVESTIGATION HAD FAILED TO ESTABLISH THAT ANY SUCH DANGEROUS MANEUVERS OCCURRED - AND CERTAINLY THAT NONE WERE INTENDED.

3. BURDEN OF LATEST CUBAN NOTE AND OF ACCOMPANYING BRIEFING GIVEN TO USINT CHIEF BY MINFAR OFFICERS, BOTH OF WHICH WERE COUCHED IN POLITE TERMS, WAS TO CALL USG ATTEN-
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ION TO PROVISIONS OF CUBAN LAW AND REGULATIOS GOVERNING ALL AIR TRAFFIC THROUGH THE "FLIGHT INFORMATION REGION" ASSIGNED TO CUBA BY ICAO AND, MORE SPECIFICALLY, THROUGH ITS "ANTI-AIRCRAFT DEFENSE IDENTIFICATION ZONE". IT WAS EXPLAINED THAT THESE TWO ZONES ARE FOR THE MOST PART GEOGRAPHICALLY IDENTICAL, AND IN NO CASE DOES THE LATTER EXTEND BEYOND THE FORMER. NOTE AND BRIEFING EMPHASIZED

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THAT CUBAN GOVERNMENT REQUIRES ADVANCE NOTIFICATION OF ALL FOREIGN AIRCRAFT MOVEMENTS INTO THESE ZONES BOTH TO ASSURE THE SAFETY OF THE AIRCRAFT CONCERNED AND OF OTHER AIRCRAFT FLYING IN THE AREA, AND TO MEET CUBA'S LEGITIMATE DEFENSE REQUIREMENTS.

4. THE NOTE EMPHASIZES THAT THERE IS NO INTENTION TO MOLEST US AIRCRAFT FLYING THROUGH INTERNATIONAL ZONES, BUT THAT THE LACK OF PRIOR INFORMATION ABOUT SUCH FLIGHTS "OBLIGES THE CUBAN AUTHORITIES TO MAKE AN IMMEDIATE IDENTIFICATION OF SUCH PLANES". THE NOTE CONCLUDES THAT CUBA WILL CONTINUE TAKING ALL MEASURES NECESSARY TO ASSURE FLIGHT SAFETY IN THE AIR TRANSIT AREA UNDER CUBAN CONTROL AND CALLS FOR USG COOPERATION IN THIS REGARD.

5. WHILE THE NOTE DOES NOT SPECIFICALLY SET FORTH THE MECHANISMS BY WHICH GOC HOPES TO BE INFORMED IN ADVANCE OF SUCH AIRCRAFT MOVEMENTS, USINT CHIEF WAS TOLD ORALLY THAT THIS SHOULD BE DONE BY DIPLOMATIC NOTE AS IN THE CASE OF REQUESTS FOR OVERFLIGHT AND LANDING PRIVILEGES BY OFFICIAL AIRCRAFT.

6. TEXTS OF LAW 1318 OF NOVEMBER 27, 1976 (PUBLISHED IN THE OFFICIAL GAZETTE OF NOVEMBER 29, 1976) ON THESE MATTERS AND OF THE IMPLEMENTING REGULATIONS (PUBLISHED IN THE OFFICIAL GAZETTE OF NOVEMBER 25, 1977) WERE PROVIDED TO LIMITED OFFICIAL USE

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USINT AND WILL BE POUCHED TO ARA/CCA.

7. COMMENT: USG CONCERN WITH CUBAN DANGEROUS MANEUVERS HAS NOW BEEN DULY REGISTERED AND CUBANS ARE AT LEAST ORALLY ON RECORD THAT SUCH MANEUVERS ARE INAPPROPRIATE. DEPARTMENT AND OTHER INTERESTED AGENCIES, HOWEVER, WILL PRESUMABLY WISH TO STUDY CUBAN NOTE, LAW AND REGULATIONS, ON "ANTI-AIRCRAFT DEFENSE IDENTIFICATION ZONE" CAREFULLY AND TO CONSIDER WHAT IF ANY FORMAL RESPONSE SHOULD BE MADE. PRESUMABLY WE WILL WISH TO TAKE EXCEPTION ON THE RECORD TO ANY CUBAN PRETENSIONS THAT EXCEED THEIR RIGHTS UNDER INTERNATIONAL LAW AND RELATED US PRACTICE. INTRUSIONS OF SOVIET AIRCRAFT USING CUBAN BASES INTO US "AIR DEFENSE ZONE" (ADZ) MAY ALSO BE USEFUL TO BRING TO HAVANA'S ATTENTION. WHILE AWARE THAT US SECURITY INTERESTS MUST PREVAIL, IT MAY ALSO BE USEFUL TO MAKE BLANKET DECLARA-TION THAT US MILITARY ACIATION ACTIVITIES HAVE NOT, AND WILL NOT, CALL INTO QUESTION SAFETY OF CIVIL AVIATION.
LANE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
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Concepts: AIRCRAFT, AIRSPACE, AIR SAFETY, DIPLOMATIC PROTESTS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
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ISecure: 1
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